

REMARKS

Claims 24-43 are pending. Claims 30-35 and 42 are currently amended. Claims 1 to 23 have been canceled. Claims 36-43 are withdrawn.

Reconsideration of the application, as amended, is requested.

Support for the amendments to pages 28, 29, 31, and 32 is inherent; or for the correct spelling of "SAFFIL," "Saffil," and "MAFECTEC MLS", see, for example, Table 5.

Support for the amendments to claims 30-35 and 42 is inherent.

Interview Summary

The undersigned the acknowledges with appreciation the in-person interview granted on October 22, 2008 by Examiners Kashnikow and Shosho, wherein the essence of this paper was discussed.

Declaration/Oath

It is said in the Office Action that the oath/declaration is objected to due to the incorrect filing date for the PCT priority application.

Enclosed herewith is a fresh, corrected declaration to obviate this objection.

Specification

It is said in the Office Action certain trademarks have been noted in the application and should be capitalized wherever they appear and be accompanied by the generic terminology.

Applicants have reviewed the application and made several amendments to pages 28, 29, 31, and 32 for added clarity for some of the trade designations mentioned in the Office Action, although no issue was identified by Applicants for several of the trade designations listed in the Office Action.

It is submitted that this objection should now be removed.

§ 112 Rejections

Claims 30-35 stand rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

It is alleged in the Office Action that is not clear what the difference is between disposed between and sandwiched between.

Claims 30-35 have been for added to clarity to obviate this rejection.

In summary, the rejection of claims 30-35 under 35 USC § 112, second paragraph, has been overcome, and should be withdrawn.

§ 102 Rejections

Claims 24, 26-30, and 32-35 stand rejected under 35 USC §102(b) as being anticipated by Fernando et al. (WO 99/46028).

The rejection of claims 24, 26-30, and 32-35 under 35 USC §102(b) as being anticipated by Fernando et al. is unwarranted and should be withdrawn.

Applicants, in claim 24, claim an end cone insulator dimensioned for being disposed between inner and outer end cone housings in an end cone region of a pollution control device, the end cone insulator comprising (a) ceramic fibers having a bulk shrinkage no greater than 10 percent using the Thermal Mechanical Analyzer test and (b) less than 50 weight percent inorganic colloidal material based on a weight of the ceramic fibers, wherein the end cone insulator is self-supporting, seamless, conical, flexible, non-intumescent and dimensioned for being disposed between inner and outer end cone housings in an end cone region of a pollution control device.

Applicants disagree with portions of the characterization of Fernando et al. in the Office Action. For example, for this reference to support a §102 rejection, all element/features of the claim must be shown. Fernando et al., for example, fails to teach either the “seamless” or “conical” element/features required in claim 1. Further, the Office Action does not provide a rationale articulated reason sufficient to show why one skilled in the art would modify Fernando et al. to provide Applicants’ claimed invention.

Claims 26-30 and 32-35 each add additional features to claim 24. Claim 24 is patentable, for example, for the reasons given above. Thus, claims 26-30 and 32-35 should also be patentable.

In summary, the rejection of claims 24, 26-30, and 32-35 under 35 USC §102(b) as being anticipated by Fernando et al. is unwarranted and should be withdrawn.

§103 Rejections

Claims 25 and 31 stand rejected under 35 USC §103(a) as obvious over Fernando et al. (WO 99/46028) in view of Sanocki et al. (WO 97/48890).

The rejection of claims 25 and 31 under 35 USC § 103(a) as being unpatentable over Fernando et al. in view of Sanocki et al. is unwarranted and should be withdrawn.

Claims 25 and 31 depend directly or indirectly from claim 24. Claim 24 is patentable over Fernando et al. (WO 99/46028), for example, for the reasons provided above, and even assuming Sanocki et al. where properly combinable with Fernando et al. (WO 99/46028), the result would not meet all of Applicants' claim limitations. For example, Applicants' claims also require that the end cone insulator be flexible. It is submitted that one skilled in the art reading Sanocki et al. would understand the end cone taught there is rigid (see, e.g., page 3, lines 19-22; page 5, lines 3-5 and 22-30; page 6, lines 1-20; page 9, lines 23-29; page 10, lines 14-30 bridging paragraph, page 11, lines 1-4 and 20-22) on at least one surface, and hence is not flexible.

Further, Fernando et al. and Sanocki et al. are directed to two different end-use applications, and hence it is not clear why one skilled in the art would try to combine Fernando et al. and Sanocki et al. as suggested in the Office Action.

Fernando et al. is directed toward a support element (mounting mat) that is useful fragile structures such as catalytic converter elements. The thermal expansion coefficient of the monolithic catalytic converter element, which is typically ceramic, is significantly less than the thermal expansion coefficient of the casing, which is typically metal. Even though the catalytic converter element is significantly hotter than the casing during use, given the very significant difference in thermal expansion coefficient between the metal casing and the ceramic catalytic converter element, the gap between the casing and the catalytic converter element increases.

By contrast, Sanocki et al., is directed toward an end cone application, not a mounting mat application as Fernando et al. Further, unlike Sanocki et al., the instant invention is directed toward an end cone insulator dimensioned for being disposed between inner and outer end cone housings (i.e., a double walled construction); Sanocki et al. is not directed toward a double

walled construction^{*}. In a double wall construction, the hotter inner end cone (metal) wall expands more during use than the relatively cooler outer (metal) wall resulting in the end cone disposed between the walls being compressed, which is not something the mount mat is exposed to in the Fernando et al. use or the Sanocki et al. use. Hence it is unclear, for example, given these differences between Fernando et al. and Sanocki et al., and the invention as claimed in claims 25 and 31, how Fernando et al. and/or Sanocki et al. can be used to properly reject Applicants' claimed invention.

In summary, the rejection of claims 25 and 31 under 35 USC §103(a) as being unpatentable over Fernando et al. in view of Sanocki et al. has been overcome and should be withdrawn.

^{*} It is noted that double wall end cone constructions are discussed in the Background section of Sanocki et al.

Request for Rejoinder

Withdrawn claims 36-43 depend directly or indirectly from a claim in the elected group. Consideration of rejoin claims 36-43 is respectfully requested.

In view of the above, it is submitted that the application is in condition for allowance.

Examination and reconsideration of the application, as amended, is requested.

Respectfully submitted,

November 21, 2008
Date

By: 

Gregory D. Allen Reg. No.: 35,048

Telephone No.: 651-736-0641

Office of Intellectual Property Counsel
3M Innovative Properties Company
Facsimile No.: 651-736-3833